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Charter Ordinance No. 210

A CHARTER ORDINANCE AMENDING SECTION 9 OF CHARTER ORDINANCE NO. 202 OF THE CODE OF THE CITY OF WICHITA, KANSAS RELATING TO COSTS AND WITNESS FEES IN CASES BEFORE THE MUNICIPAL COURT AND THE CODE OF PROCEDURE; AND REPEALING THE ORIGINAL OF SAID SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS

SECTION 1. The original of Section 9 of Charter Ordinance No. 202 amending Section 10 of Charter Ordinance No. 168 amending Charter Ordinance No. 122, Section 8 of the Code of the City of Wichita is amended as follows:

Court Costs and Establishing Court Costs for Post Conviction Motions.

(a) All parties shall be entitled to the use of subpoenas to compel attendance of witnesses within the state. The municipal court judge or clerk or any person so authorized by the judge's written authorization shall issue a subpoena which may be served by a law enforcement officer upon the named persons. Disobedience may constitute contempt.

(b) Fees and mileage of subpoenaed witnesses shall be assessed in the amount set forth in Section 1.04.070 of the Code of the City of Wichita, Kansas, and amendments thereto. The fees and mileage for the attendance of witnesses shall be assessed as costs; provided, the municipal judge, may direct that fees and mileage of witnesses subpoenaed by the accused person be charged against such person if the judge finds that there has been abuse of the use of subpoenas by the accused person.

(c) Whenever any motions or applications for the post conviction remedies are filed, the cost for filing such motion or application shall be assessed in the amount set forth in Section 1.04.070 of the Code of the City of Wichita and amendments thereto. The cost shall be paid by the person filing such motion or application. Provided however, that if it be shown to the Court that the person filing such motion or application is indigent, the Court may, in its discretion,

waive the costs provided for herein and the Court shall make a finding of indigency and shall note upon the motion, application or order resulting therefrom that the costs referred to herein have been waived.

SECTION 2. The original of Section 9 of Charter Ordinance No. 202 of the Code of the City of Wichita, is hereby repealed.

SECTION 3. This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION 4. This is a Charter Ordinance and shall take effect sixty-one (61) days after final publication, unless a sufficient petition for referendum is filed requiring a referendum to be held on the ordinance as provided in Article 12, Section 5, Subdivision (c)(3), of the Constitution of the State of Kansas, in which case, the ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, not less than two-thirds of the members elect voting in favor thereof, this 28th day of July, 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law and City Attorney

Effective _____